



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0409

Introduced 2/16/2005, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.18	from Ch. 122, par. 10-22.18
105 ILCS 5/26-1	from Ch. 122, par. 26-1
105 ILCS 5/26-2	from Ch. 122, par. 26-2

Amends the School Code. Beginning with the 2006-2007 school year, lowers the compulsory school age from 7 years to 5 years; makes a related change. Beginning with the 2006-2007 school year, requires all school districts to establish kindergarten for the instruction of children who are 5 years of age or older.

LRB094 10574 NHT 40871 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections
5 10-22.18, 26-1, and 26-2 as follows:

6 (105 ILCS 5/10-22.18) (from Ch. 122, par. 10-22.18)

7 Sec. 10-22.18. Kindergartens. To establish kindergartens
8 for the instruction of children between the ages of 4 and 6
9 years, if in their judgment the public interest requires it,
10 and to pay the necessary expenses thereof out of the school
11 funds of the district. Upon petition of at least 50 parents or
12 guardians of children between the ages of 4 and 6, residing
13 within any school district and within one mile of the public
14 school where such kindergarten is proposed to be established,
15 the board of directors shall, if funds are available, establish
16 a kindergarten in connection with the public school designated
17 in the petition and maintain it as long as the annual average
18 daily attendance therein is not less than 15. The board may
19 establish a kindergarten with half-day attendance or with
20 full-day attendance. If the board establishes full-day
21 kindergarten, it shall also establish half-day kindergarten.
22 No one shall be employed to teach in a kindergarten who does
23 not hold a certificate as provided by law.

24 Beginning with the 2006-2007 school year, each school
25 district, including a school district organized under Article
26 34, must establish kindergarten for the instruction of children
27 who are 5 years of age or older.

28 (Source: P.A. 84-1308.)

29 (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

30 Sec. 26-1. Compulsory school age-Exemptions. Whoever has
31 custody or control of any child (i) between the ages of 7 and

1 17 years (unless the child has already graduated from high
2 school) for school years before the 2006-2007 school year or
3 (ii) between the ages of 5 and 17 years (unless the child has
4 already graduated from high school) for school years after the
5 2005-2006 school year shall cause such child to attend some
6 public school in the district wherein the child resides the
7 entire time it is in session during the regular school term,
8 except as provided in Section 10-19.1, and during a required
9 summer school program established under Section 10-22.33B;
10 provided, that the following children shall not be required to
11 attend the public schools:

12 1. Any child attending a private or a parochial school
13 where children are taught the branches of education taught to
14 children of corresponding age and grade in the public schools,
15 and where the instruction of the child in the branches of
16 education is in the English language;

17 2. Any child who is physically or mentally unable to attend
18 school, such disability being certified to the county or
19 district truant officer by a competent physician or a Christian
20 Science practitioner residing in this State and listed in the
21 Christian Science Journal; or who is excused for temporary
22 absence for cause by the principal or teacher of the school
23 which the child attends; the exemptions in this paragraph (2)
24 do not apply to any female who is pregnant or the mother of one
25 or more children, except where a female is unable to attend
26 school due to a complication arising from her pregnancy and the
27 existence of such complication is certified to the county or
28 district truant officer by a competent physician;

29 3. Any child necessarily and lawfully employed according to
30 the provisions of the law regulating child labor may be excused
31 from attendance at school by the county superintendent of
32 schools or the superintendent of the public school which the
33 child should be attending, on certification of the facts by and
34 the recommendation of the school board of the public school
35 district in which the child resides. In districts having part
36 time continuation schools, children so excused shall attend

1 such schools at least 8 hours each week;

2 4. Any child over 12 and under 14 years of age while in
3 attendance at confirmation classes;

4 5. Any child absent from a public school on a particular
5 day or days or at a particular time of day for the reason that
6 he is unable to attend classes or to participate in any
7 examination, study or work requirements on a particular day or
8 days or at a particular time of day, because the tenets of his
9 religion forbid secular activity on a particular day or days or
10 at a particular time of day. Each school board shall prescribe
11 rules and regulations relative to absences for religious
12 holidays including, but not limited to, a list of religious
13 holidays on which it shall be mandatory to excuse a child; but
14 nothing in this paragraph 5 shall be construed to limit the
15 right of any school board, at its discretion, to excuse an
16 absence on any other day by reason of the observance of a
17 religious holiday. A school board may require the parent or
18 guardian of a child who is to be excused from attending school
19 due to the observance of a religious holiday to give notice,
20 not exceeding 5 days, of the child's absence to the school
21 principal or other school personnel. Any child excused from
22 attending school under this paragraph 5 shall not be required
23 to submit a written excuse for such absence after returning to
24 school; and

25 6. Any child 16 years of age or older who (i) submits to a
26 school district evidence of necessary and lawful employment
27 pursuant to paragraph 3 of this Section and (ii) is enrolled in
28 a graduation incentives program pursuant to Section 26-16 of
29 this Code or an alternative learning opportunities program
30 established pursuant to Article 13B of this Code.

31 (Source: P.A. 93-858, eff. 1-1-05.)

32 (105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

33 Sec. 26-2. Enrolled pupils not of compulsory school age
34 ~~below 7 or over 17.~~

35 (a) For school years before the 2006-2007 school year, any

1 ~~Any~~ person having custody or control of a child who is below
2 the age of 7 years or is 17 years of age or above and who is
3 enrolled in any of grades 1 through 12 in the public school
4 shall cause him to attend the public school in the district
5 wherein he resides when it is in session during the regular
6 school term, unless he is excused under paragraph 2, 3, 4, 5,
7 or 6 of Section 26-1. For school years after the 2005-2006
8 school year, any person having custody or control of a child
9 who is below the age of 5 years or is 17 years of age or above
10 and who is enrolled in any of grades kindergarten through 12 in
11 the public school shall cause the child to attend the public
12 school in the district wherein he or she resides when it is in
13 session during the regular school term, unless the child is
14 excused under paragraph 2, 3, 4, 5, or 6 of Section 26-1 of
15 this Code.

16 (b) A school district shall deny reenrollment in its
17 secondary schools to any child 19 years of age or above who has
18 dropped out of school and who could not, because of age and
19 lack of credits, attend classes during the normal school year
20 and graduate before his or her twenty-first birthday. A
21 district may, however, enroll the child in a graduation
22 incentives program under Section 26-16 of this Code or an
23 alternative learning opportunities program established under
24 Article 13B. No child shall be denied reenrollment for the
25 above reasons unless the school district first offers the child
26 due process as required in cases of expulsion under Section
27 10-22.6. If a child is denied reenrollment after being provided
28 with due process, the school district must provide counseling
29 to that child and must direct that child to alternative
30 educational programs, including adult education programs, that
31 lead to graduation or receipt of a GED diploma.

32 (c) A school or school district may deny enrollment to a
33 student 17 years of age or older for one semester for failure
34 to meet minimum academic standards if all of the following
35 conditions are met:

36 (1) The student achieved a grade point average of less

1 than "D" (or its equivalent) in the semester immediately
2 prior to the current semester.

3 (2) The student and the student's parent or guardian
4 are given written notice warning that the student is
5 failing academically and is subject to denial from
6 enrollment for one semester unless a "D" average (or its
7 equivalent) or better is attained in the current semester.

8 (3) The parent or guardian is provided with the right
9 to appeal the notice, as determined by the State Board of
10 Education in accordance with due process.

11 (4) The student is provided with an academic
12 improvement plan and academic remediation services.

13 (5) The student fails to achieve a "D" average (or its
14 equivalent) or better in the current semester.

15 A school or school district may deny enrollment to a
16 student 17 years of age or older for one semester for failure
17 to meet minimum attendance standards if all of the following
18 conditions are met:

19 (1) The student was absent without valid cause for 20%
20 or more of the attendance days in the semester immediately
21 prior to the current semester.

22 (2) The student and the student's parent or guardian
23 are given written notice warning that the student is
24 subject to denial from enrollment for one semester unless
25 the student is absent without valid cause less than 20% of
26 the attendance days in the current semester.

27 (3) The student's parent or guardian is provided with
28 the right to appeal the notice, as determined by the State
29 Board of Education in accordance with due process.

30 (4) The student is provided with attendance
31 remediation services, including without limitation
32 assessment, counseling, and support services.

33 (5) The student is absent without valid cause for 20%
34 or more of the attendance days in the current semester.

35 A school or school district may not deny enrollment to a
36 student (or reenrollment to a dropout) who is at least 17 years

1 of age or older but below 19 years for more than one
2 consecutive semester for failure to meet academic or attendance
3 standards.

4 (d) No child may be denied enrollment or reenrollment under
5 this Section in violation of the Individuals with Disabilities
6 Education Act or the Americans with Disabilities Act.

7 (e) In this subsection (e), "reenrolled student" means a
8 dropout who has reenrolled full-time in a public school. Each
9 school district shall identify, track, and report on the
10 educational progress and outcomes of reenrolled students as a
11 subset of the district's required reporting on all enrollments.
12 A reenrolled student who again drops out must not be counted
13 again against a district's dropout rate performance measure.
14 The State Board of Education shall set performance standards
15 for programs serving reenrolled students.

16 (f) The State Board of Education shall adopt any rules
17 necessary to implement the changes to this Section made by
18 Public Act 93-803.

19 (Source: P.A. 92-42, eff. 1-1-02; 93-803, eff. 7-23-04; 93-858,
20 eff. 1-1-05; 93-1079, eff. 1-21-05.)